

## **REMARKS**

### **Status of the Application**

Claims 1-8, 18, and 26-40 are all the claims pending in the application. Claims 1-4 are rejected. Claims 5-8 are allowable if rewritten in independent form. Claim 18 is allowed. Claims 1-4, 6-7 and 18 are objected to for informalities. New claims 26-39 correspond to previously canceled claims 9-17 and 19-25. Claim 40 is new.

### **Claim Objections**

Claims 1-4, 6-7 and 18 are objected to for various informalities.

With respect to claims 1, 3, 4, 6, and 18, the grounds of objection assert that “capsulated packet” should read “capsulated packets”. Applicant has amended claim 1 to clarify the relationship between the “packets” and the “capsulated packet” that claim 1 recites, and has amended the remaining claims to read “said capsulated packet”.

Claim 2 has been amended as suggested by the Examiner.

It appears that the grounds of objection mistakenly refer to claim 4 rather than claim 5. Claim 5 has been amended for clarity, including the portion cited in the grounds of objection.

Claim 1 has now been amended to recite “at least one base station”; “every base station,” as recited in claim 6, is thus definite.

The portion of claim 6 that previously recited “as they are if not so” now recites “without encapsulation if said wireless LAN terminal is not able to receive the capsulated packets”.

Claim 7 has been amended as suggested by the Examiner.

Applicant therefore respectfully submits that the claims are definite and requests the Examiner to withdraw the objections to the claims.

### **Claim Rejections**

#### **Claims 1-4**

Claims 1-4 are rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Seppälä, US Patent 6,747,968, in view of Sharma, US Patent Publication 2003/0031151.

Seppälä discloses a system in which a WLAN connects a terminal and an access point. The access point and terminal may contain a real time data queue and a best effort data queue, as illustrated in figure 3 (column 5 line 43 to column 6 line 19). The system of Sharma uses the MobileIP protocol to maintain a secure connection between a mobile terminal and a target (Summary of the Invention). The mobile terminal wanders to a WLAN network (see figure 3). When the mobile terminal sends data to the target or vice versa, the data is routed through a home agent PGN (packet gateway node) (figure 5). During that process, packets are tunneled between the home agent PGN and the target (paragraph 11).

Thus if the system of Seppala is combined with the system of Sharma, then data is tunneled between the home agent PGN and the target, but there is no disclosure of “a wireless LAN terminal comprising ... capsulating means for capsulating the packets accumulated in said accumulating means.” Assuming for the sake of argument that the real time data queue and best effort data queue in the terminal 12 correspond to the accumulating means, as the grounds of rejection assert, Seppala in view of Sharma does not disclose encapsulation of packets in those

queues. Rather, it discloses tunneling between the PGN and the target, network elements external to the WLAN system. Furthermore, as explained in the Mobile IP specification, “the home agent sends datagrams destined for the mobile node through a tunnel to the care of address. After arriving at the end of the tunnel, each datagram is then delivered to the mobile node” (abstract). The data thus leaves the tunnel *before* it is delivered to the mobile node or terminal. In the protocol used by Sharma, tunneling does not occur between the mobile terminal and the care of address, which in the case of Sharma corresponds to the WLAN.

Applicant therefore respectfully asserts that the combination of Seppala with Sharma does not yield a system with the properties recited in claim 1, and thus claim 1 is patentable over these references. Claims 2-4 are patentable over Seppala and Sharma at least due to their dependence from claim 1.

#### Claims 26-39

Claims 26-39 correspond to the canceled claims 9-17 and 19-25. Applicant here responds to the rejection of those claims in the Office Action of September 13, 2007. These claims are rejected over U.S. Patent No. 6,490,629 to Milliken in view of U.S. Patent No. 6,262,979 to Anderson and U.S. Patent No. 6,609,316 to Ohba.

Independent claims 26, 27, and 32 (previously claims 9, 10, and 16) each recite “capsulating means for capsulating more than one of the packets accumulated in said accumulating means into one capsulated packet”. Independent claim 39 (previously 25) recites “capsulating more than one of the accumulated packets into one capsulated packet.” None of the cited references disclose this feature. Ohba is the reference relied on by the grounds of rejection as disclosing encapsulation. Ohba discloses a system which applies priority information to “a packet by encapsulating it into a packet of the same layer” (column 10, line 58 to column 11, line

23). Ohba thus fails to disclose this feature recited in the independent claims. In fact, Ohba teaches away from the claimed feature.

None of the other references cited by the Examiner disclose capsulating more than one of the accumulated packets into one capsulated packet, as recited in the above noted claims. Furthermore, in a telephone interview on February 14, 2008, between Counsel for Applicant and the Examiner, the Examiner indicated that this feature would likely make that the claims allowable. Applicant therefore respectfully submits that claims 26-39, which each recite this feature, directly or through dependency, are patentable over the cited references.

Claim 40

New independent claim 40 recites “capsulating means for capsulating more than one of the packets accumulated in said accumulating means into one capsulated packet”, and should therefore be patentable for the reasons explained above.

**Allowable Subject Matter**


Applicant thanks the Examiner for indicating that claim 18 is allowed and claims 5-8 are allowable if rewritten in independent form. Applicant elects to hold these claims in abeyance for the present.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880 via EFS payment screen. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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